



American Academy of Political and Social Science

The Clergy's Concepts of Rule in Egypt and Iran

Author(s): Shahrough Akhavi

Source: *Annals of the American Academy of Political and Social Science*, Vol. 524, Political Islam (Nov., 1992), pp. 92-102

Published by: Sage Publications, Inc. in association with the American Academy of Political and Social Science

Stable URL: <http://www.jstor.org/stable/1046708>

Accessed: 09/02/2009 01:04

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at <http://www.jstor.org/action/showPublisher?publisherCode=sage>.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

JSTOR is a not-for-profit organization founded in 1995 to build trusted digital archives for scholarship. We work with the scholarly community to preserve their work and the materials they rely upon, and to build a common research platform that promotes the discovery and use of these resources. For more information about JSTOR, please contact support@jstor.org.



Sage Publications, Inc. and American Academy of Political and Social Science are collaborating with JSTOR to digitize, preserve and extend access to *Annals of the American Academy of Political and Social Science*.

<http://www.jstor.org>

The Clergy's Concepts of Rule in Egypt and Iran

By SHAHROUGH AKHAVI

ABSTRACT: In the wake of the current cycle of Islamic resurgence, which began at the time of the June 1967 Arab-Israeli war, the question of rule has been at the center of clerical discourse. This article analyzes this question in the debates of the Egyptian and Iranian '*ulama*'. While they agree upon the perception of Islam as both religion and state and upon the need to base public law upon the *shari'a* (the holy law of Islam), they differ on the role of secular rulers, the relevance of *jihad*, identifying apostates, calling for rebellion, authorizing the '*ulama*' to rule society, and endowing Islamic states with extraordinary powers. The debate will continue to focus on these issues in the future, as Islamic groups press the case for full implementation of the *shari'a* in all areas of life, not only in Egypt and Iran but in all Muslim societies.

Shahrough Akhavi is professor of government and international studies, University of South Carolina. He is editor of the Middle East Series of the State University of New York Press and an editor of Oxford University Press's forthcoming Encyclopedia of the Modern Islamic World. He has published widely on Egyptian and Iranian politics.

NOTE: Part of the research for this article was undertaken by the author as a Fulbright Research Scholar in Cairo during the autumn of 1991. The author would like to thank the Fulbright Commission of Egypt for its support.

AS in earlier cycles of Islamic resurgence during the modern period, the current one highlights the question of rule. In Islamic discourse, the term "rule" is usually rendered "imamate" or "caliphate," and the theory pertaining to it was elaborated in the medieval era. Those contributing to the theory had to grapple with the fact that, although the doctrine held that, after the Prophet's death, rule should devolve upon the most learned, just, pious, and capable leader of the community, in fact, it was increasingly appropriated by the strongest prince. The Muslim jurists rationalized these arrant seizures of power by tribal chiefs on the grounds that the continued existence of the Islamic community depended upon the acceptance of these actions, as long as the chiefs upheld the basic pillars of the faith. However, current activists—termed here Islamicists—reject such compromises with power holders and insist that they are responsible, in great measure, for the difficulties Muslims face today.

There is consensus that the current Islamic resurgence has its roots in the disastrous Arab defeat in the June 1967 Arab-Israeli war.¹ This suggests that it antedates the Iranian revolution, although it certainly re-

ceived a major impetus from that shattering event. This article focuses upon the clergy's discourse on the question of rule in Egypt and Iran, where the debates have probably had the greatest impact in the Islamic world.

THE EGYPTIAN 'ULAMA'

In Egypt, the '*ulama*' ("clergy") of al-Azhar, the most famous mosque and Islamic theological college in the world, have been generally supportive of the state over the generations. Those clergymen who have opposed the government's policies have gravitated to the Sunnite Islamic world's most important social movement, the nonviolent Muslim Brotherhood, which was established in 1928. It is predominantly a lay organization of religiously minded Muslims. The most radical clergymen, younger in age and committed to violent opposition, have affiliated with splinter organizations that have split from the Muslim Brotherhood.

The Shaykh al-Azhar owes his post to the government and supports the latter on issues of moment. The Ministry of Religious Endowments and al-Azhar Affairs is another government body that exercises authority in the religious field. Within the ministry is the Supreme Council on Religious Affairs, on which sit, inter alia, the Shaykh al-Azhar, the Minister of Religious Endowments and al-Azhar Affairs, and the Mufti of Egypt, who is the country's chief Islamic jurist.

Despite the differences between the state religious institutions, the Muslim Brotherhood, and the radical

1. Husayn Ahmad Amin, "al-Tayyarat al-Islamiyya fi Misr khilal al-sab'inat" [Islamic trends in Egypt during the 1970s], in *al-Islam fi 'alam mutaghayyir wa maqalat Islamiyya ukhra* [Islam in a changing world and other Islamic essays] (Cairo: Maktaba Madbuli, 1989), p. 169; Hasan Hanafi, "Ahadith fi al-harakat al-diniyya al-Mu'asira" [Comments about contemporary religious movements] in *al-Din wa al-dawla fi Misr* [Religion and state in Egypt], vol. 6, *al-Usuliyya al-Islamiyya* [Islamic fundamentalism] (Cairo: Maktaba Madbuli, 1989), p. 320.

Islamic groups, all three support the idea of making the holy law—the *shari'a*—the source of law in Egypt. They also agree that Islam is both a religious and a political system: *Islam din wa dawla* ("Islam is religion and state"), according to this view.² There may be differences between them as to whether the *shari'a* should be the only source of public law or just the major source, but in any case their position contrasts with that of the regime, which has temporized and failed so far to take a final decision on this crucial matter. However, the regime has accepted the parliament's 1985 amendment to the Personal Status Law, which changed the more liberal version of 1979 on questions of divorce and custody of children by making it more difficult for women to initiate divorce or to have custody over children.

Generally speaking, al-Azhar, the Ministry of Religious Endowments, and the Mufti do not get involved directly in central public policy issues. Occasionally, however, they are implicated in the hurly-burly of what we may term, for lack of a better phrase, religious politics. Between 1979 and 1981, clashes broke out be-

tween Copts (Christians) and Muslims in Egypt over the issue of land and religious activity, and Egyptian President Sadat, the official Islamic bodies, the Muslim Brotherhood, and the militant Islamicists all criticized the Coptic leadership and community.³

THE ARGUMENT OF THE ABSENT PRECEPT

But perhaps the most interesting intervention by the official Egyptian clergy on a political matter occurred in the aftermath of President Anwar al-Sadat's assassination in October 1981 by radical Islamicists of the Tanzim al-Jihad (Jihad Organization). In this case, the then Mufti (currently Shaykh al-Azhar), Shaykh Jadd al-Haqq 'Ali Jadd al-Haqq, issued a *fatwa* (an authoritative opinion), rejecting arguments made in a pamphlet that apparently was the inspiration of the assassins. This pamphlet, known as *The Absent Precept* (*al-Farida al-gha'iba*), was a 54-page text written by an engineer, Muhammad 'Abd al-Salam Faraj. Because of its importance, it will be discussed in some detail, as will the Mufti's *fatwa* refuting its contents.⁴ Although Faraj was not a member of the *'ulama'* stra-

2. This is not a unanimous view, but it certainly is the overwhelmingly majority position of the contemporary clergy. See, for example, Shaykh Muhammad al-Ghazali, *Min huna na'lam* [From here we know], 5th ed. (Cairo: Dar al-Kutub al-Haditha, 1965 [originally published in 1950]); Shaykh 'Umar al-Tilimsani, *Dhikrayat, la mudhakkarat* [Remembrances, not reminders] (Cairo: Dar al-Taba'a wa al-Nashr al-Islamiyya, 1985), p. 274; Khalid Muhammad Khalid, *al-Dawla fi al-Islam* [The state in Islam] (Cairo: Dar Thabit, 1981). Interestingly, Khalid had, in 1950, concluded the contrary.

3. Hamied Ansari, "Sectarian Conflict in Egypt and the Political Expediency of Religion," *Middle East Journal*, 38:397-418 (1984); idem, "The Islamic Militants in Egyptian Politics," *International Journal of Middle East Studies*, 16:123-44 (1984); Sa'd Eddine Ibrahim, "The Anatomy of Egypt's Militant Islamic Groups," *International Journal of Middle East Studies*, 12(4):423-53 (Dec. 1980).

4. For an English translation of Faraj's pamphlet and an analysis of al-Haqq's *fatwa*, see J.G.G. Jansen, *The Neglected Duty* (New York: Macmillan, 1986).

tum, some leaders of his organization were clergymen, and, on the whole, this pamphlet represents the thinking of younger-generation militant 'ulama' who feel betrayed by the formal religious bodies and also by the Muslim Brotherhood.

Faraj's argument was that Muslims had neglected the categorical imperative of *jihad* ("struggle for the faith") at their peril. He noted that the principle of *jihad* was one of the collective obligations of the Muslims, and their abandonment of it had led them to their current difficulties.⁵ Faraj insisted that the establishment of an Islamic state was mandated by the Quran and the Prophet.⁶ He also held that Muslims must rule according to what Allah has revealed. This is a reference to the so-called *hakimiyya* or sovereignty/rulership verses of the Quran, to which the Pakistani Muslim Abu al-A'la al-Mawdudi (d. 1971) and the Egyptian thinker Sayyid Qutb (d. 1966)—under Mawdudi's influence—had attached such major importance.

Other points made by Faraj included the idea that the current rulers of Islamic countries were like the Mongols at the time of Genghis Khan's invasion of the Middle East in the thirteenth century. Like the Mongols, he argued, the current rulers do not rule according to Islamic

laws but according to secular laws into which have been suffused elements of Islamic legislation.⁷

As a consequence, Faraj pointed out, the current rulers of Islamic countries are in a state of apostasy with respect to the faith, even though they preserve some of the outward manifestations of belief, such as upholding prayer and fasting during Ramadan. Apostates are more dangerous than unbelievers who never committed themselves to Islam, and hence it is imperative to pronounce *takfir* (formally stating that they have turned to unbelief) against these rulers. Not only that, but the Islamic law on apostasy sanctions capital punishment.⁸

Faraj argued that the violent overthrow of existing regimes is the only path that could guarantee the establishment of a truly Islamic state. This is more effective than, for example, trying to retake Jerusalem from the Israelis on grounds that, at first, one fights the enemy who is near at hand, for only after defeating him can one move to defeat the opponent who is further afield.⁹

He then cited the sword verse of the Quran (9:5), which proclaims that after the lapse of the months during which no fighting is allowed between the Muslims and their enemies, "slay the idolaters wherever you find them, and take them captive or besiege them, and lie in wait for them at every likely place." In Faraj's opinion, this verse superseded all the 124 verses of the Quran that counsel

5. Muhammad 'Abd al-Salam Faraj, *al-Farida al-gha'iba* [The absent precept], reprinted in *Jumhuriyya Misr al-'Arabiyya*, Wizara al-Awqaf, al-Majlis al-A'la li al-Shu'un al-Islamiyya, *Al-Fatawa al-Islamiyya min dar al-ifta' al-Islamiyya* [Islamic fatwas from the office of the Mufti] (Cairo: al-Majlis al-A'la li al-Shu'un al-Islamiyya, 1403 H.Q./1984), 10: 3762; 3780 ff.

6. Ibid., pp. 3763-64.

7. Ibid., pp. 3765-66; comparisons with the Mongols continue, pp. 3767-71.

8. Ibid., p. 3766.

9. Ibid., pp. 3775-76.

patience or abjuring armed conflict with the non-Muslims in a spirit of peaceful persuasion.¹⁰

His last major point is that it would be wrong to suggest that there are stages of *jihad* and to hold that the current stage is simply one of *jihad al-nafs*, or struggling inwardly to purify oneself for the sake of Allah. In fact, such individual cleansing goes hand in hand, in his view, with *al-jihad al-akbar*, or struggling at the community level for the sake of Allah against the enemies of Islam. To say that Muslims are still at the preliminary point of self-*jihad* is to rationalize inaction at a time when the community is in great danger from without. This sort of individualist *jihad* must be simultaneously accompanied by *jihad* at the community level against Islam's enemies, identified as neo-Crusaders, imperialism, and Zionism.¹¹

AL-AZHAR'S RESPONSE

In his *fatwa*, the Mufti of Egypt considers first the question of who is a Muslim. He cites the Prophet as having declared that the Muslim is the one who recites the credo "I attest that there is no god but Allah and Muhammad is his prophet" and also commits himself to the remaining four pillars: prayer, alms, fasting, and pilgrimage.¹² When, then, may a

person be said to have abandoned Islam? The Mufti replies by citing the Quran (4:116): "Allah does not forgive one who associates others with Himself; otherwise, He forgives whom He wants." Then, he cites a tradition of the Prophet, who is said to have declared, "The archangel Gabriel came to me and said: 'He of your community who has died but not in any way associated others with Allah will enter paradise.' I said: 'Even if he has committed adultery and theft?' He said: 'Even if he has committed adultery and theft.'"¹³ In other words, only arrant polytheists may be apostates, according to the Shaykh.

Consequently, Shaykh al-Haqq concludes that a person who genuinely believes in Islam but can be objectively shown to have violated even a core religious tenet has done no more than commit a sin. While sinning is reprehensible, it does not cause the believer to have renounced his belief in Islam. Thus, although it is true that our actions are the war-rants of our beliefs, only Allah, not mere mortals, can punish a sinner.¹⁴

The Mufti cautions that false accusations of unbelief against Muslims are themselves cause for the most serious breach of Allah's laws. He declares that the Quran commands Muslims to submit disputes among themselves to Allah—that is, to the Quran—and to the Prophet (4:59) and orders the faithful to "ask the keepers of the scripture" when in doubt over a matter of faith (21:7). The Prophet, hearing Muslims dis-

al-ifta' al-Islamiyya [Islamic fatwas from the office of the Mufti], 10:3730.

13. Ibid., pp. 3731-32.

14. Ibid.

10. Ibid., pp. 3777-78.

11. Ibid., p. 3780.

12. Shaykh Jadd al-Haqq 'Ali Jadd al-Haqq, "al-Mawdu' (1326) Katib al-farida al-gha'iba wa al-radd 'alayhi" [The problem (1326) The absent precept pamphlet and a riposte to it], in *Jumhuriyya Misr al-'Arabiyya*, *Wizara al-Awqaf*, *al-Majlis al-A'la li al-Shu'un al-Islamiyya*, *al-Fatawa al-Islamiyya min dar*

puting over verses of the Quran, warned that in the past those who had disputed over Allah's words had perished, and he enjoined them to "say what you know about it [the Quran] and of that about which you are ignorant, assign it to the person who knows."¹⁵

For the Mufti, not surprisingly, the '*ulama*' are the ones to whom the Quran and the Prophet are referring. Religiosity is the province of all Muslims, he notes, but the clarification of Islam's ordinances and of what is permitted and prohibited is for the specialists—the '*ulama*'—to decide.¹⁶

As for *jihad*, Shaykh al-Haqq reasons that the law prescribes *jihad* in times of peace and also in times of war. During times of peace, *jihad* is characterized by the individual's struggle to purify his or her soul and distance himself or herself from Satan. In times of war, *jihad* devolves upon the community to fight those who repudiate the oneness of Allah and the prophecy of His messenger.

It is true that *jihad* was the obligation of every individual (*fard 'ayn*) at the time of the Prophet, but after him, it devolved upon the community if necessity called for it. Such necessity existed when the land of the Muslims was occupied by non-Muslims, but even then it would be conducted not only by armed conflict but by means of wealth, words, and heart, in accordance with the saying attributed to the Prophet: "Fight the polytheists by means of your wealth, your hands, and your tongues."¹⁷

The Mufti acknowledges the sword verse but rejects the view that it supersedes all others counseling patience, dialogue, and persuasion. The latter are more representative, the Mufti opines; examples include the following: "There is no compulsion in matters of religion" (2:256); "call them to the path of your Lord with wisdom and words of good advice, and reason with them in the best way possible" (16:125). As for the *hakimiyya* verses (especially 5:44, 45, and 47: "And those who do not rule¹⁸ according to Allah's revelation are unbelievers/oppressors/dissolutes"), Shaykh al-Haqq counters that, first of all, only he who irrevocably abandons Allah's ordinances is an unbeliever; someone who incidentally and casually happens to have done so is not. Second, given the verses immediately preceding these, it is clear that the antecedent noun of the pronoun "those" are the "people of the book"—in this particular case, the Jews, since it is they who, by worshipping the golden calf, had abandoned the Torah and thus come to be unbelievers. The reference, then, is not to the Muslims.¹⁹

18. "Wa man lam yahkum. . . ." Faraj, as with al-Mawdudi and Qutb before him, has rendered the verb *yahkum* as "rule," rather than the traditional "judge." It is interesting that in rebutting Faraj's interpretation of this verse, the Shaykh does not pronounce this newer interpretation to be *bid'a* ("reprehensible innovation") but rather contents himself with reproving him for taking it out of context.

19. Al-Haqq, "al-Mawdu'," pp. 3742-43. The alert reader will have noted a contradiction here. First, the Mufti is saying that only Muslims who totally break with Allah's ordinances may be considered unbelievers, and then he says the verse refers to the Jews who abandoned the Torah.

15. Ibid., p. 3735.

16. Ibid.

17. Ibid., pp. 3736-37.

The Mufti holds that Egypt, moreover, is not the abode of unbelief but rather the abode of Islam, since prayer, alms, pilgrimage to Mecca, and many other aspects of the faith are observed there. The only exceptions pertain to the Islamic punishments, usury, and the like, where positive law has been enacted and implemented. These exceptions do not warrant the conclusion that the rulers and people who accept such a state of affairs are apostates. To the contrary, Shaykh al-Haqq insists, both rulers and ruled believe in the abolition of usury, prostitution, theft, and so on, even though those phenomena occur in Egypt. The people of Egypt want Allah's dispensation and His law, and they implement it "within the limits of their capability." As justification for this less than categorical commitment, the Mufti cites the verse, "So fear Allah as much as you can" (64:16).²⁰

The Mufti goes as far as to argue that, according to several sayings attributed to the Prophet, no insurrection against a Muslim ruler is allowed, even if the only religious prescription that such a ruler upholds is prayer. When the Muslims differ with their ruler, they must counsel him and peacefully try to bring him to their way of thinking, says Shaykh al-Haqq.²¹

The analogy of current Muslim rulers as modern-day versions of Genghis Khan will not wash, argues the Mufti, since such rulers have not made the mosques stables for their animals, nor have they destroyed mosques or shredded the Quran. Ibn

Taymiyya's *fatwa* authorizing *jihad* against the Mongols was due to such behavior and to the fact that, under their aegis, prayer was haphazard, muezzins and imams were missing from the mosques that had not been destroyed, the rulers absconded with the people's wealth, destroyed their villages, and promoted the view that Genghis Khan was the son of Allah.²²

Shaykh al-Haqq also declares that Faraj's pamphlet is out of touch with the Quran's political tenets. Consultation is the basis of rule in Islam, he alleges, citing four different verses (3:159, 42:38, 88:22, and 50:45): "And consult them in affairs"; "their affairs are a matter of counsel"; "you are not a warden over them"; "it is not for you to compel them." These verses, he maintains, make clear that the ruler in Islam is a mere agent of the people, who elect and dismiss him. Accordingly, the community is the source of authority in Islam. The implication is that a self-styled group within the community may not, on its own, decide the fate of rulership. Furthermore, the early Islamic method of appointing leaders is not necessarily the model for today. Since succession is a worldly matter, it is subject to change over time, and it is up to the community to decide the best procedure to adopt concerning it.²³

The important thing is not to have a caliph *per se*, given the fragmentation of the *umma* into separate states. The important thing, the Mufti holds, is that the ruler in such states be a Muslim and that he tend to the affairs of the Muslims. As for the oath of allegiance to the ruler—

20. Ibid., pp. 3743-44.

21. Ibid., pp. 3744-45.

22. Ibid., pp. 3747-49.

23. Ibid., pp. 3749-51.

the *bay'a*—elections in modern times take its place.²⁴

In conclusion, Shaykh al-Haqq contends that if there is a summons to do battle in defense of religion and the country, Muslims will respond, but the army, rather than a self-designated group of private individuals, is their instrument. But there is also *jihad* against oneself and Satan, and this is a continuous type of *jihad* incumbent on every individual Muslim. This allows the Muslim to improve himself or herself to do good works, to be pious, to be true to agreements, and to avoid evil. As one can therefore see, argues the Mufti, *jihad* is hardly an "absent precept." What should be "made absent" is the view that *jihad* entails pronouncing unbelief upon Muslims or violently attacking their community and leaders. Finally, *jihad* is not implemented by interpreting texts in a way that those texts will not bear. For if this were to be allowed, then there would be perversions in the meanings of phrases and concepts—something prohibited by Allah.²⁵

SHIISM AND THE THEORY OF RULE

The theory of *vilayat-i faqih* (the authority of the Imam as exercised by the leading jurist), propounded by Ayatollah Ruhollah Khomeini (d. 1989), is a reconsideration of the classic Shiite theory of rule. Although it would be wrong to intimate that any theory is once and for all set in concrete at its inception, it is nonetheless the case that Khomeini's per-

spectives on the Imamate constitute a radical departure from the views of mainstream Shiism. In looking at the constituent elements of Khomeini's theory of rule, we must stress the following factors: (1) the role of the Imams and the nature of their authority; (2) the significance of the oath of allegiance (*bay'a*); (3) the principle of deputyship; and (4) the role of the clergy. According to Shiism, only the Imam is entitled to rule the Islamic community. The Imams were 'Ali, the cousin of the Prophet, and 'Ali's descendants through his wife, Fatima, the Prophet's daughter. Shiites differ in their interpretation of how many Imams there were, but the dominant view is known as the twelver. According to this view, the twelfth Imam disappeared on Allah's commands, but the faithful believe he will return as the messiah, thereby ushering in the Day of Judgment.

The Imams were all considered "the proofs of Allah" in that the community had always to be led by one of their number as evidence of Allah's existence. The Imams were deemed to be the incarnations of Allah's light and were judged to have special abilities, such as foreknowledge of events to come, immunity from error, and the like. If there were no Imam leading the community, then the religious injunctions would lapse and Muslims would be in a state of ignorance, incapable of carrying out Allah's commands.

It is true that the disappearance of the twelfth Imam left the community without a leader, but the religious injunctions were considered to be still intact because the disappearance was at Allah's command. For

24. Ibid., pp. 3750-51.

25. Ibid., p. 3761.

him to have remained would have subjected him to murder by his opponents, thereby extinguishing the line of Imams forever. For the Imam was a young lad at the time of his disappearance and had no progeny to succeed him.

During his occultation, the obligation of Shiites to give the Imam their oaths of allegiance was considered to be in abeyance. This crucial fact made it possible for them to tolerate rule by secular leaders—provided that such leaders were just, consulted the people, and heeded the advice of the clergy.

According to the standard view of the doctrine of rule, while the Imam was in occlusion, he was in touch with his community through a series of agents, considered as the Imam's deputies. This period of contact lasted from about A.D. 874 to 940. After the death of the fourth of these agents, the Imam was considered to have entered the period of the greater occultation, which is to last until the end of time. During this period, the clergy are viewed collectively to be the general agents of the Imam.

Neither the four special agents nor the clergy in their capacity as the general agents were ever considered by the doctrine to be entitled to exercise the Imam's full authority on his behalf, however. The authority they wielded was residual in nature and limited them to such things as superintending the care of orphans, widows, the infirm, and the destitute.

What this suggests is that the doctrine did not permit the clergy to exercise substantial authority in the sense of sovereign rule over the community. Khomeini's achievement was

to mount a theoretical argument that empowered precisely the clergy to take over executive power and rule on the Imam's behalf until his return.

In his reasoning, Khomeini tried to adduce evidence from the classic sources of Islamic law. This proved difficult, since the Quran contains no references to the Imams and only vaguely refers to the obligation of Muslims to follow the commands of "those in authority among you" (4:59). Nor could Khomeini find any support for his radical view in the traditions (*sunna*) about the Prophet's behavior and statements.

On the other hand, he claimed to have found a sound tradition relating to the statement of the sixth Imam, Ja'far (d. 765), that allegedly empowered judges to rule the Shiite community should the Imam not be available. On closer inspection, however, it would appear that the tradition in question authorizes the clergy not to exercise sovereign rule but simply to give a ruling in technical disputes over inheritance or debts.²⁶ Nonetheless, Khomeini invoked reason as a source of law and maintained that, since the sources contained many references to the clergy as the "fortresses of Islam" and the like, they were the logical referents when the sacred texts made mention of leaders of the community after the Prophet's death.

The term *vilayat-i faqih* refers to the leading jurist as the one to carry out the authority of the Imam. At the time of the Iranian revolution and

26. Joseph Eliash, "Misconceptions Regarding the Juridical Status of the Iranian 'Ulama'," *International Journal of Middle East Studies*, 10:9-25 (1979).

during the next decade, this jurist was considered by many to be Khomeini himself, the author of the doctrine. This was so even though, on traditional grounds, other jurists could be said to have been his senior in learning and other qualities normally considered important in designating leaders among the jurists. Some eminent jurists actively disputed Khomeini's concept of *vilayat-i faqih*, but their objections were silenced by the revolutionaries, and the Constitution of 1979 contains several references to Khomeini by name as the *faqih*.

In lionizing Khomeini's role as *faqih* during the years 1979-89, his supporters went to extraordinary lengths. This may be seen, for example, in the following two citations from senior members of the regime, Ayatollah Rabbani 'Amlashi and Ayatollah Mu'min:

"Obedience to *vilayat-i faqih* is an incumbent duty . . . like the daily prayer and fasting, and disobeying it is like disobeying the Islamic sacred law."

"The legitimacy and legality of whatever is done and whatever institutions exist is due to the fact that they are buttressed by *vilayat-i faqih*. As the *vali-yi faqih* is at the head of all affairs and main guarantor of the current laws of the country, it is the *divinely ordained duty of all the people* to follow every law which is passed and given to the Islamic government for execution. Disobeying such a law is as forbidden as drinking wine is forbidden by Islam."²⁷

Such sentiments found their practical crystallization in two *fatwas* is-

sued by Khomeini in late 1987 and early 1988 dealing with the hegemonic power of the state. In defending the state's power to impose sanctions on those refusing to obey the laws, Khomeini wrote that the state could even abrogate one of the five pillars of Islam if it saw that this was necessary for the safeguarding of the 1979 revolution. In his reasoning, the Iranian state and the revolution that had spawned it were tantamount to Islam itself.²⁸

Upon Khomeini's death, however, a crisis arose, as no individual could be found within the regime who had his stature. Whereas Khomeini both had been a *marja' al-taqlid* (a term referring to the most distinguished jurists of the age) and had been given unprecedented political powers in the 1979 Constitution as the *faqih*, his successor was not even an ayatollah. Therefore, at the time of the constitutional reforms of July 1989—a month after Khomeini's demise—official sources began to use the religiously neutral term *rahbar* ("leader") rather than *faqih* to refer to Khomeini's successor, Sayyid 'Ali Khamanah'i. It is true that this term had also been used to refer to Khomeini, but that did not detract from his towering stature in the eyes of his followers as *vali-yi faqih*.

Moreover, it has been argued that there is no longer a necessity for the leader to be a *marja' al-taqlid* on grounds that learnedness in the religious law does not guarantee "great

27. Cited in Said Arjomand, *The Turban for the Crown* (New York: Oxford University Press, 1988), p. 182. Emphasis added.

28. "The state, which has the full delegated authority of the Prophet . . . takes precedence over other Islamic regulations, even prayer and pilgrimage," asserted Khomeini. *Iran Times* (Washington, DC), 4 Day 1366 H. Sh.; *ibid.*, 25 Day 1366 H. Sh.

capability in management" or "strong political and social perspicacity in regard to the social affairs of the moment." Since the latter qualities are deemed more important, the qualification that the leader be a *marja' al-taqlid* lapses "since it is seen as a superfluous requirement."²⁹

CONCLUSION

One dimension of the question of rule that unites the Islamic '*ulama*' is the belief that Islam is both religion and politics. Although one may be able to identify religiously minded lay thinkers today who believe the contrary,³⁰ almost all '*ulama*' insist on the integration of religion and politics. The one reputable contempo-

rary '*alim*' ("clergyman") who believed in the necessity of separating religion and state in Islam—Shaykh Khalid Muhammad Khalid—suddenly recanted his views in 1981, after thirty years.³¹

A second dimension of the question of rule upon which the Islamic '*ulama*' have created a consensus is the issue of applying the *shari'a* in public life rather than only in personal matters. The current constitutions of Middle Eastern states are found wanting because they are based on Western models that rule out the possibility for the Quran and the Prophet's traditions to be the source of law.

29. See the comments of Shaykh 'Abdullah Nuri, the Minister of the Interior of the Islamic Republic of Iran, as cited in *Iran Times*, 3 Shahrivar 1368 H. Sh.

30. For example, Muhammad 'Amara, *al-Dawla al-Islamiyya bayn al-'Almaniyya wa al-Sulta al-Diniyya* [The Islamic state between secularism and religious authority] (Cairo: Dar al-Shuruq, 1988), pp. 31-82.

31. It was Shaykh Khalid Muhammad Khalid who argued for their separation in his landmark polemic *Min huna nabda'u* [From here we begin] (Cairo: Dar al-Nil li al-Taba'a, 1950). For two interpretations of why he did so, see Emanuel Sivan, *Radical Islam* (New Haven, CT: Yale University Press, 1985), p. 132; Leonard Binder, *Islamic Liberalism: A Critique of Development Ideologies* (Chicago: University of Chicago Press, 1988), pp. 158-61.